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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MAVRIX PHOTO, INC., a Florida
corporation;

Plaintiff,

v.

RANT, INC., a Delaware corporation;
DRJAYS.COM, INC., a New York
corporation; DJ NETWORKS, INC., a New
York corporation; and DOES 1 through 10,

Defendants.

Case No.:

**PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT**

Jury Trial Demanded

MAVRIX PHOTO, INC., by and through its undersigned attorneys, hereby
prays to this honorable Court for relief based on the following:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101
et seq.

names, whether corporate, individual or otherwise, of Defendants 1 through 10, inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.

9. Plaintiff is informed and believes and thereon alleges that at all times relevant hereto each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope of such agency, affiliation, alter-ego relationship and/or employment; and actively participated in or subsequently ratified and/or adopted each of the acts or conduct alleged, with full knowledge of all the facts and circumstances, including, but not limited to, full knowledge of each violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

CLAIMS RELATED TO PLAINTIFF'S PHOTOGRAPH

10. Plaintiff MAVRIX owns an original photograph ("Subject Photograph") that was registered with the United States Copyright Office on July 11, 2008. Plaintiff is the sole owner of the exclusive rights in Subject Photograph.

11. Plaintiff is informed and believes and thereon alleges that following its publication and display of the Subject Image, RANT, DOE Defendants, and each of them used the Subject Work without Plaintiff's authorization for commercial purposes in various ways, including, but not limited to, the use in articles and advertising on websites:

a. <http://www.rantchic.com/2014/02/11/20-most-sizzlin-female-celebrity-bodies/>

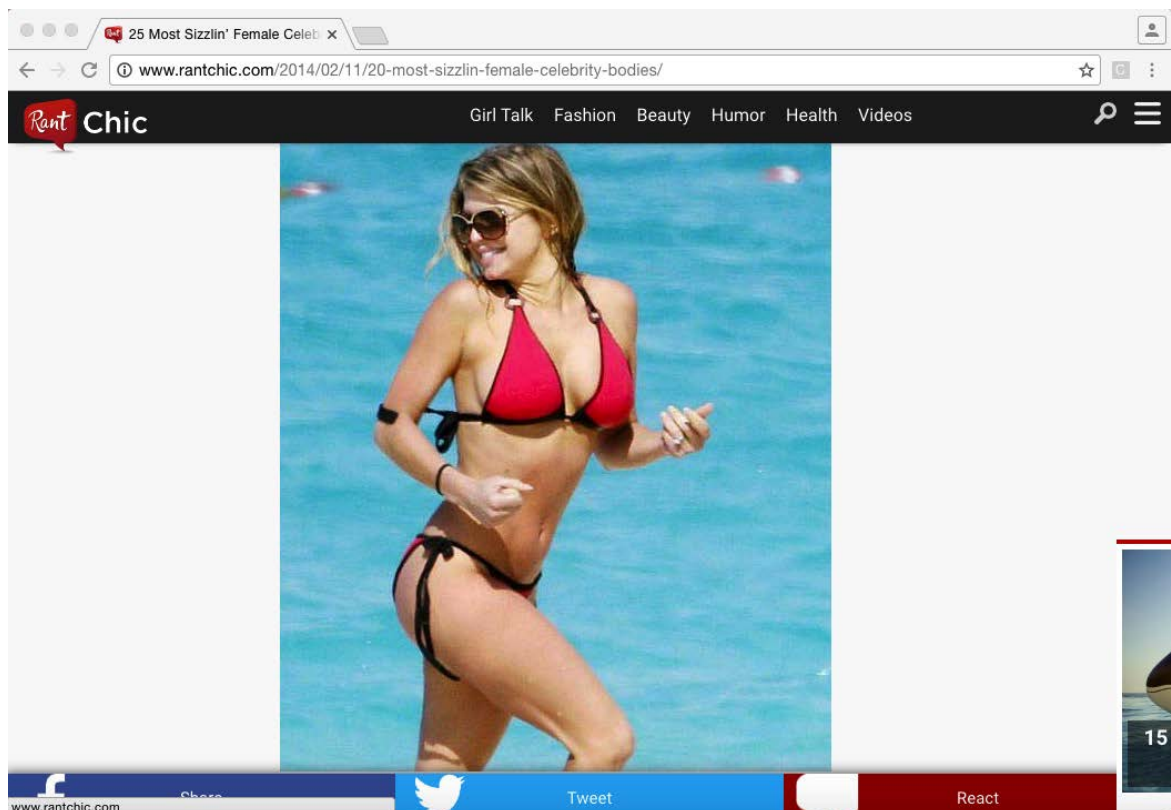
b. <http://live.drjays.com/index.php/2011/07/13/the-20-most-wanted-celebrity-swimsuits-of-2011/>

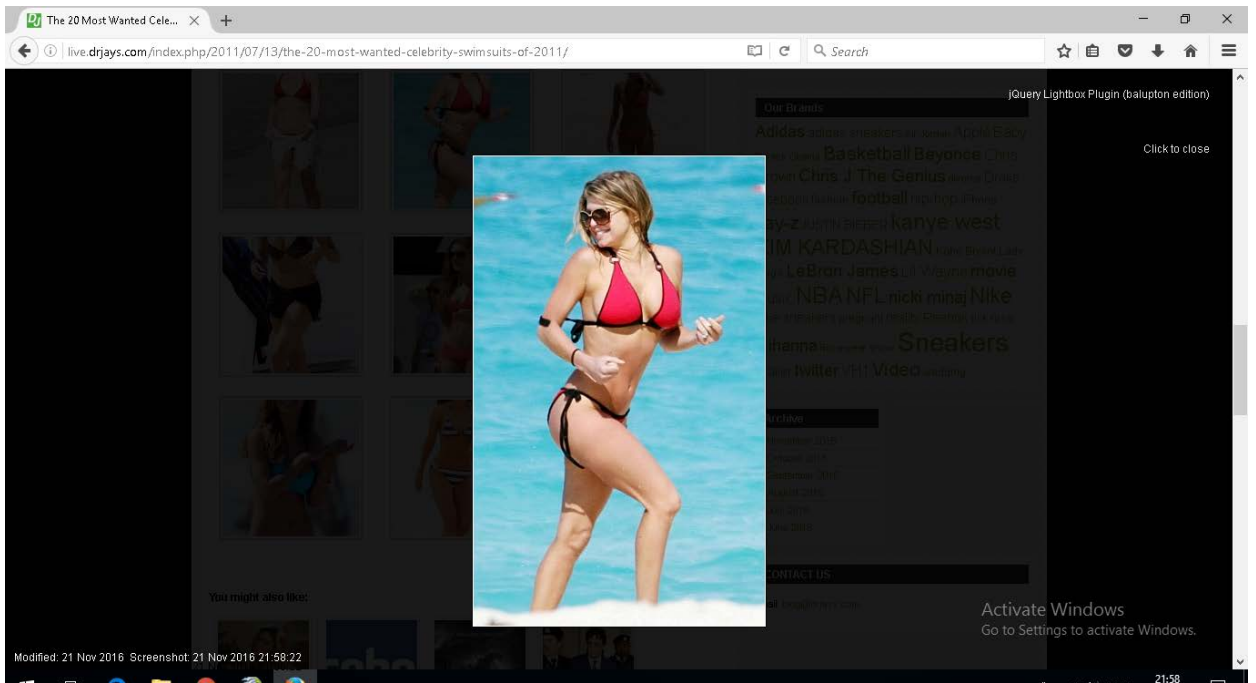
12. An images of the Subject Photograph and screen captures of Defendant's website with the Subject Photograph embedded are set forth hereinbelow:

Subject Photograph



Screen Captures





FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

13. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

14. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to Subject Photograph, including, without limitation, through Plaintiff's website and social media accounts or viewing the Subject Work on a third-party websites (e.g., Tumblr, Pinterest, etc.).

15. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, used and distributed images of the Subject Work, and exploited said images in multiple website posts without Plaintiff's authorization or consent.

16. Due to Defendants', and each of their, acts of infringement, Plaintiff has suffered damages in an amount to be established at trial.

17. Due to Defendants', and each of their, acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained profits they would not

1 otherwise have realized but for their infringement of Subject Photograph. As such,
2 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits
3 attributable to the infringement of Subject Photograph in an amount to be established
4 at trial.

5 18. Plaintiff is informed and believes and thereon alleges that Defendants, and
6 each of them, have committed copyright infringement with actual or constructive
7 knowledge of Plaintiff's rights such that said acts of copyright infringement were,
8 and continue to be, willful, intentional and malicious.

9 **PRAYER FOR RELIEF**

10 Wherefore, Plaintiff prays for judgment as follows:

- 11 a. That Defendants—each of them—and their respective agents and
12 servants be enjoined from importing, manufacturing, distributing,
13 offering for sale, selling or otherwise trafficking in any product that
14 infringes Plaintiff's copyrights in Subject Photograph;
- 15 b. That Plaintiff be awarded all profits of Defendants, and each of them,
16 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,
17 or, if elected before final judgment, statutory damages as available under
18 the Copyright Act, 17 U.S.C. § 101 et seq.;
- 19 c. That Plaintiff be awarded its attorneys' fees as available under the
20 Copyright Act U.S.C. § 101 et seq.;
- 21 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 22 e. That Plaintiff be awarded the costs of this action; and
- 23 f. That Plaintiff be awarded such further legal and equitable relief as the
24 Court deems proper.

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1 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
2 38 and the 7th Amendment to the United States Constitution.

3 Dated: June 30, 2017

DONIGER/BURROUGHS

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5 By: /s/ Stephen M. Doniger
6 Stephen M. Doniger, Esq.
7 Howard S. Han, Esq.
8 Attorneys for Plaintiff
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